

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

WILLIAM ALLEN MEANS,

Plaintiff,

v.

Civil Action No.: 2:20-561

**E.M. PETERSON, D. HARVEY, and
THE CITY OF SOUTH CHARLESTON,**

Defendants.

CERTIFICATE OF SERVICE

The undersigned, counsel of record for Plaintiff, William Allen Means, does hereby certify that on this 20th day of May, 2021, that the instant Certificate of Service with regard to “Plaintiff’s Second Set of Requests for Production of Documents to Defendant D. Harvey” was served upon all parties via the CM/ECF system and a complete copy of “Plaintiff’s Second Set of Requests for Production of Documents to Defendant D. Harvey” was also served upon counsel of record by regular U.S. Mail:

Duane J. Ruggier, II, Esq.
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/s/Benjamin D. Adams

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Defendants.

**PLAINTIFF'S SECOND SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT D. HARVEY**

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, you are required to answer each of the following Interrogatories within 30 days of the date of service, to serve answers and responses and to make available for production documents in response to the following interrogatories and requests for production on the undersigned counsel at the address identified below.

DEFINITIONS AND INSTRUCTIONS

As used herein, the terms “**You**,” “**Your**,” and “**Yourself**” refer to D. Harvey, each of his agents, representatives and attorneys, and each person acting or purporting to act on his behalf.

As used herein, the term “**Plaintiff**” refers to William “Billy” Means on whose behalf these Interrogatories are propounded.

As used herein, the term “**Person**” means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, and other units therein, and shall include, but not be limited to, public or private corporations, partnerships, joint ventures, voluntary

or unincorporated associations, organizations, proprietorships, trusts, estates, governmental agencies, commissions, bureaus or departments.

As used herein, the term “**Document**” shall mean any and all information in tangible form and shall include, without limiting the generality of the foregoing, any paper or writing, including drafts, and any computer, photographic, mechanical, or electronic recording or record of any kind in your possession, custody or control, or known by you to exist, whether an original or copy, including without limitation any letters, memoranda, contracts, agreements, reports, records, tables, charts, studies, analysis, newspapers, notices, invoices, bills, bank checks, receipts, questionnaires, notes, working papers, graphs, pictures, photographs, schedules, appointment books, calendars, diaries, messages (including reports of telephone conversations and conferences), financial and/or accounting data or ledgers, tapes, videotapes, movies, microfilm or microfiche, however produced or reproduced, e-mails, and text messages, and any copy containing thereon or having attached thereto, any alterations, notes, comments or other material not included in the original or any copy shall be deemed a separate document for purposes of foregoing definition; all photographs, videotapes or movies or any representations of persons, places or events by whatever means made. If multiple copies of a document exist, each copy which is in any way not completely identical to a copy which is being produced or identified as a privileged document, shall also be produced or so identified.

“**Identify**” means to state a person or entity’s full name, address and telephone number, and with respect to a document, to identify its author, recipient, date and a description of its contents.

As used herein, the terms “**concerning**” or “**regarding**” means referring to, evidencing, supporting, located in, considered in connection with, bearing on, reporting on, recording, alluding

to, responding to, relating to, opposing, favoring, connected with, commenting on, in respect to, opposing, favoring, connected with, commenting on, in respect of, about, regarding, discussing, showing, describing, reflecting, analyzing, constituting and being.

The following rules of construction shall apply:

- (a) The word “any” shall include all information so described;
- (b) The conjunctive includes the disjunctive; the plural includes the singular, and vice versa.

If any answer or document called for herein is withheld because you claim it is not relevant or discoverable, identify the answer or document and the interrogatory or request that you are not complying with, and state the basis for non-compliance.

If any document, as herein defined, otherwise covered by this request is no longer in or subject to your possession, custody or control, identify each document and state the disposition of each such document including, but not limited to, the date of disposition and the person or persons presently possessing or controlling each such document.

If you refuse to produce any documents specified herein by reason of a claim of privilege, then you shall, in the case of each such document, identify such document in writing by stating the nature of the document, the date thereof, the author, the addressee, the title, the file or other number of other identifying mark or code, its custodian and the location of the document, the identity of all persons who have read, reviewed or listened to it, and shall also, with respect to each such document so identified, state in writing the type of privilege claimed and all the circumstances relied upon to support the claim with privilege.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Please produce all communications, including but not limited to text messages, emails, voice mails, recordings, correspondence, social media communications, electronic messages, or other communications, from May 2, 2020, to present, with Defendant E.M. Peterson in your possession, custody or control.

RESPONSE:

REQUEST NO. 2: Please produce all communications that in any way relate to William Means, the video of the May 2, 2020 incident, or any matters involving this civil proceeding, including but not limited to text messages, emails, voice mails, recordings, correspondence, social media communications, electronic messages, or other communications, from May 2, 2020, to present, with any other member of South Charleston Police Department, whether formerly or currently employed, in your possession, custody or control.

RESPONSE:

REQUEST NO. 3: Please produce phone records, including billing statements, from May 2, 2020, to present, for every phone or cell phone used by you, identifying the time and duration of each call or text and the phone number you called, texted, or received a call or text from.

RESPONSE:

REQUEST NO. 4: Please produce all emails, correspondence, instant messages, text messages, social media messaging, or other electronic message or other documents of any type relating to or referencing dash cameras or body cameras, or the removal thereof, from South

Charleston Police Department, including the email sent by Chief Rinehart referencing the same sent on or about 2019.

RESPONSE:

REQUEST NO. 5: Please produce all communications, including but not limited to text messages, emails, voice mails, recordings, correspondence social media messaging, or other electronic message, or other communications, from May 2, 2020, to present, with any member of the Federal Bureau of Investigations, whether formerly or currently employed, in your possession, custody or control.

RESPONSE:

REQUEST NO. 6: Please produce any recordings, photos, videos, written documents, incident reports, dashcam footage, or any other material in your possession related in any way to the incident occurring on or about 2017 in which you responded to a call involving Cpl. Peterson and his fiancé and investigated but apparently declined to file charges.

RESPONSE:

REQUEST NO. 7: Please produce the receipt and any paperwork or documentation for the camera purchased by yourself to use as a dashcam in your cruiser as testified to during your deposition occurring in approximately 2018.

RESPONSE:

REQUEST NO. 8: Please produce a complete copy of the South Charleston Police Policy and Procedures that were in effect on May 2, 2020.

RESPONSE:

WILLIAM ALLEN MEANS,

By counsel

s/Benjamin D. Adams
L. Dante' diTrapano, Esq. (WVSB #6778)
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Defendants.

CERTIFICATE OF SERVICE

The undersigned, counsel of record for Plaintiff, William Allen Means, does hereby certify that on this 20th day of May, 2021, that the instant Certificate of Service with regard to “Plaintiff’s Second Set of Requests for Production of Documents to Defendant D. Harvey” was served upon all parties via the CM/ECF system and a complete copy of “Plaintiff’s Second Set of Requests for Production of Documents to Defendant D. Harvey” was also served upon counsel of record by regular U.S. Mail:

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CERTIFICATE OF SERVICE

The undersigned, counsel of record for Plaintiff, William Allen Means, does hereby certify that on this 20th day of May, 2021, that the instant Certificate of Service with regard to “Plaintiff’s Second Set of Interrogatories and Request for Production of Documents to Defendant E. M. Peterson” was served upon all parties via the CM/ECF system and a complete copy of “Plaintiff’s Second Set of Interrogatories and Request for Production of Documents to Defendant E. M. Peterson” was also served upon counsel of record by regular U.S. Mail:

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Defendants.

**PLAINTIFF'S SECOND SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT E. M. PETERSON**

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, you are required to answer each of the following Interrogatories within 30 days of the date of service, to serve answers and responses and to make available for production documents in response to the following interrogatories and requests for production on the undersigned counsel at the address identified below.

DEFINITIONS AND INSTRUCTIONS

As used herein, the terms “**You**,” “**Your**,” and “**Yourself**” refer to E.M. Peterson, each of his agents, representatives and attorneys, and each person acting or purporting to act on his behalf.

As used herein, the term “**Plaintiff**” refers to William “Billy” Means on whose behalf these Interrogatories are propounded.

As used herein, the term “**Person**” means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, and other units therein, and shall include, but not be limited to, public or private corporations, partnerships, joint ventures, voluntary

or unincorporated associations, organizations, proprietorships, trusts, estates, governmental agencies, commissions, bureaus or departments.

As used herein, the term “**Document**” shall mean any and all information in tangible form and shall include, without limiting the generality of the foregoing, any paper or writing, including drafts, and any computer, photographic, mechanical, or electronic recording or record of any kind in your possession, custody or control, or known by you to exist, whether an original or copy, including without limitation any letters, memoranda, contracts, agreements, reports, records, tables, charts, studies, analysis, newspapers, notices, invoices, bills, bank checks, receipts, questionnaires, notes, working papers, graphs, pictures, photographs, schedules, appointment books, calendars, diaries, messages (including reports of telephone conversations and conferences), financial and/or accounting data or ledgers, tapes, videotapes, movies, microfilm or microfiche, however produced or reproduced, e-mails, and text messages, and any copy containing thereon or having attached thereto, any alterations, notes, comments or other material not included in the original or any copy shall be deemed a separate document for purposes of foregoing definition; all photographs, videotapes or movies or any representations of persons, places or events by whatever means made. If multiple copies of a document exist, each copy which is in any way not completely identical to a copy which is being produced or identified as a privileged document, shall also be produced or so identified.

“**Identify**” means to state a person or entity’s full name, address and telephone number, and with respect to a document, to identify its author, recipient, date and a description of its contents.

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If any answer or document called for herein is withheld because you claim it is not relevant or discoverable, identify the answer or document and the interrogatory or request that you are not complying with, and state the basis for non-compliance.

If any document, as herein defined, otherwise covered by this request is no longer in or subject to your possession, custody or control, identify each document and state the disposition of each such document including, but not limited to, the date of disposition and the person or persons presently possessing or controlling each such document.

If you refuse to produce any documents specified herein by reason of a claim of privilege, then you shall, in the case of each such document, identify such document in writing by stating the nature of the document, the date thereof, the author, the addressee, the title, the file or other number of other identifying mark or code, its custodian and the location of the document, the identity of all persons who have read, reviewed or listened to it, and shall also, with respect to each such document so identified, state in writing the type of privilege claimed and all the circumstances relied upon to support the claim with privilege.

INTERROGATORIES

INTERROGATORY NO. 1: Please provide the name of the female informant who was the subject of the incidents occurring on or about 2011 for which you were disciplined by the South Charleston police department as mentioned during your May 4, 2021, deposition, and provide the name of the male who dropped of the envelope as described in your deposition related to these incidents.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Please produce all communications, including but not limited to text messages, emails, voice mails, recordings, correspondence, social media messaging, or other electronic message or other communications, from May 2, 2020, to present, with Defendant D. Harvey in your possession, custody or control.

RESPONSE:

REQUEST NO. 2: Please produce all communications that in any way relate to William Means, the video of the May 2, 2020 incident, or any matters involving this civil proceeding,, including but not limited to text messages, emails, voice mails, recordings, correspondence, social media messaging, or other electronic message or other communications, from May 2, 2020, to present, with any other member of South Charleston Police Department, whether formerly or currently employed, in your possession, custody or control.

RESPONSE:

REQUEST NO. 3: Please produce phone records, including billing statements, from May 2, 2020, to present for every phone or cell phone used by you, identifying the time and duration of each call or text and the phone number you called, texted, or received a call or text from.

RESPONSE:

REQUEST NO. 4: Please produce all emails, correspondence, instant messages, text messages, social media communications, electronic messages, or other documents of any type relating to or referencing dash cameras or body cameras, or the removal thereof, from South Charleston Police Department, including the email sent by Chief Rinehart referencing the same sent on or about 2019.

RESPONSE:

REQUEST NO. 5: Please produce a complete copy of your personnel file from the South Charleston Police Department, including, but not limited to, incident reports, statements, investigative reports, write ups, admonishments, and all documentation regarding suspensions, disciplinary actions, and policy violations, including documents regarding the incidences occurring on or about 2011 and 2017 mentioned during your May 4, 2021, deposition.

RESPONSE:

REQUEST NO. 6: Please produce all communications, including but not limited to text messages, emails, voice mails, recordings, correspondence social media communications, electronic messages, or other communications, from May 2, 2020, to present, with any member of

the Federal Bureau of Investigations, whether formerly or currently employed, in your possession, custody or control.

RESPONSE:

REQUEST NO. 7: Please produce any recordings, photos, videos, written material, electronic communication or any other material in your possession related in any way to the incident occurring on or about 2017 which led to your suspension mentioned during your May 4, 2021, deposition.

RESPONSE:

REQUEST NO. 8: Please produce a complete copy of the South Charleston Police Policy and Procedures that were in effect on May 2, 2020.

RESPONSE:

REQUEST NO. 9: Please produce the receipt and any paperwork or documentation for the camera purchased by yourself to use as a dashcam in your cruiser as testified to during your deposition occurring in approximately 2018.

RESPONSE:

REQUEST NO. 10: Please produce any recordings, photos, videos, written material, electronic communication or any other material in your possession related in any way to the incident occurring on or about 2011 which led to your suspension mentioned during your May 4, 2021, deposition.

RESPONSE:

WILLIAM ALLEN MEANS,
By counsel

s/Benjamin D. Adams
L. Dante' diTrapano, Esq. (WVSB #6778)
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